

ATTACHMENT B



**City of Phoenix**

Planning and Development Department

**CONDITIONAL APPROVAL – ABND 210046**

Your abandonment request was granted **CONDITIONAL APPROVAL**.

This request will **NOT** be completed until all the stipulations have been met and this request is formally adopted by City Council. It is the **APPLICANT'S RESPONSIBILITY** to ensure that all stipulations are satisfied. **Please contact the Abandonment Coordinator at (602) 256-3487** for questions and notification of your completion of the stipulations.

Upon completion of the stipulations your request will be scheduled for City Council formal approval. You will receive a copy of the abandonment document after it has been recorded with Maricopa County.

If the stipulations of abandonment are not completed within **two years** from the date of your conditional approval (**your expiration date is November 17, 2023**), this request will then **expire**. At that time a new submittal will be required along with the required payment for the abandonment process. A one time, **one year** extension can be requested prior to the expiration date, with applicable extension fee due.



## **City of Phoenix**

Planning and Development Department

**November 17, 2021**

Abandonment Staff Report: **ABND 210046**

Project# **05-1603**

Quarter Section: **01-29**

District#: **8**

**Location:**

East Fremont Road along Lots TR A, TR D, and TR B.

**Applicant:**

Omar Cervantes, PE/CXL Engineering LLC

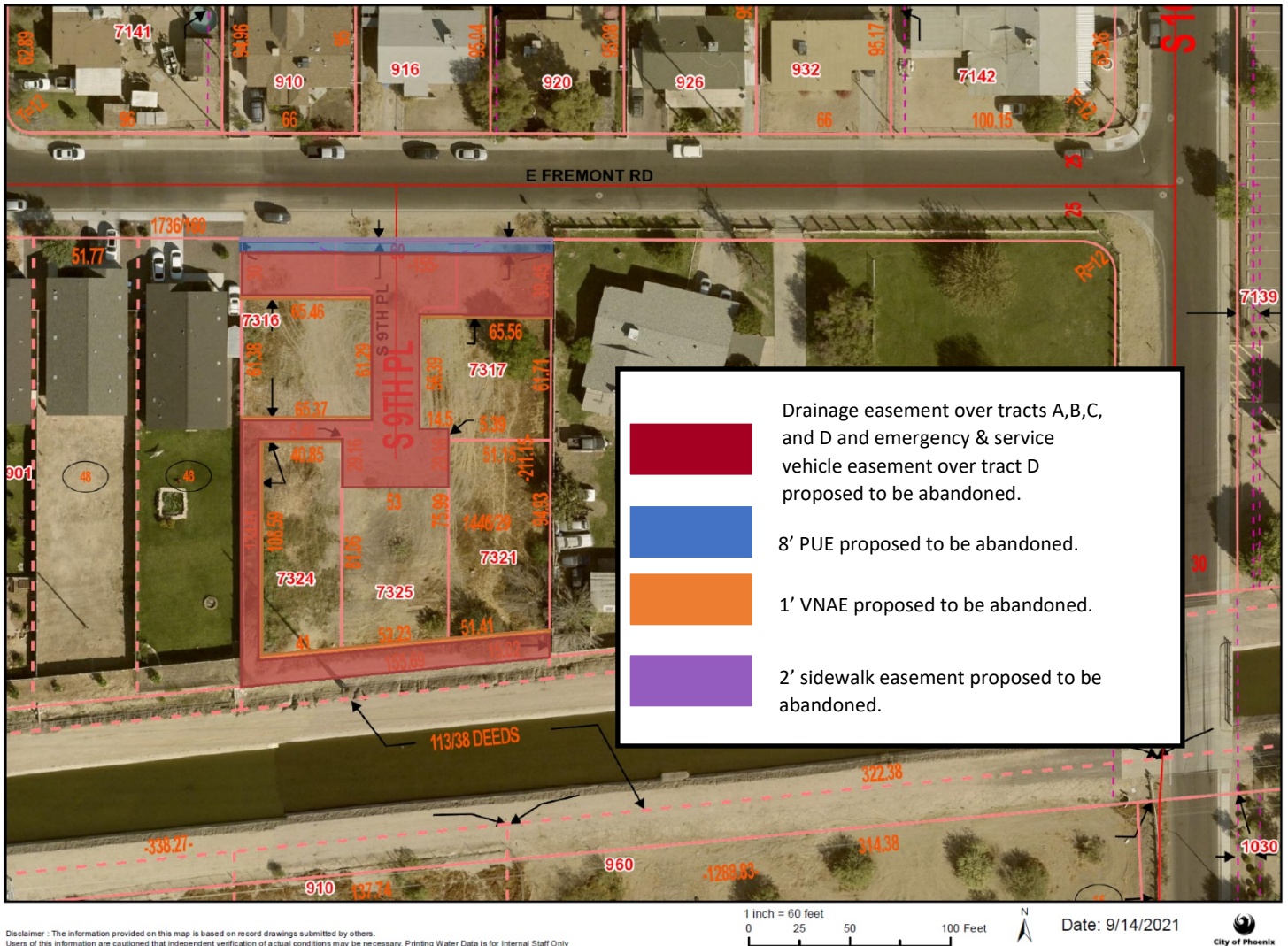
**Request to abandon:**

The 2' sidewalk easement and 8' public utility easement adjacent to Fremont Road, the 1' vehicular non-access easements adjacent to lots 1, 2, 3, 4, and 5, the drainage easements dedicated over tracts A, B, C, and D, and the emergency and service vehicle easement dedicated over tract D.

**Purpose of request:**

The applicant states the property is to be replatted under PLAT 210022

## Planning and Development



Disclaimer: The information provided on this map is based on record drawings submitted by others. Users of this information are cautioned that independent verification of actual conditions may be necessary. Printing Water Data is for Internal Staff Only

### **City Staff Comments and Recommendations:**

**PDD Civil Reviewer – Travis Tomich:** “Recommend approval.”

**PDD Planner – Danielle Bohannon:** No Comments Received

**PDD Traffic Reviewer – Derek Fancon:** “Recommend approval.”

**Street Transportation – Jason Fernandez:** “Recommended Approval”

**Water Services Department – Don Reynolds:**

A water main in an easement shall follow the Easement Requirements per WSD's Design Standards Manual (Pages 10-14). No permanent structures are allowed to be constructed within a water or sewer easement.

A sewer main in an easement shall follow the Easement Requirements per WSD's Design Standards Manual (Pages 10-14). No permanent structures are allowed to be constructed within a water and/or sewer easement.

The existing water meter(s) shall be relocated onto the public right of way in accordance with plans submitted to and approved by the Planning and Development Department. All work is to be done by City forces at no expense to the City of Phoenix.

Per City Code Chapter 37-33, all public streets bounding (along property frontage) and within a proposed development must have public water mains within them, if none exists, developer must install.

The information contained above is based on existing conditions and circumstances. Please be advised that available capacity is a dynamic condition that can change over time due to a variety of factors. For that reason, the City of Phoenix is only able to provide assurance of water and sewer capacity at the time of preliminary site plan approval, building permit, or PCD master plan approval.

If you are in the City's service area, it is our intent to provide water and sewer service. However, the requirements for such water and sewer service are not determined until the time of application for site plan, PCD master plan, or building permit approval. These requirements will be based on the status of our water and sewer infrastructure at the time the application is submitted. For any given property, these requirements may vary over time to be less or more restrictive depending on the status of our infrastructure.

**Solid Waste Department – Michael Dwyer:** “Solid Waste approves this abandonment.”

**Village Planner – Enrique Bojorquez-Gaxiola:** No Comments Received

**Neighborhood Services- Lynda Lee:** No Comments Received

**Utility Provider Comments and Recommendations:**

**SRP – Sherry Wagner:**

“Salt River Project has no objection to the abandonment as shown in your Application ABND 210046 on the SWC of 10th Street and Fremont Road. This is in the Arizona Public Service serving area.”

**APS – James Generoso:**

“I have researched our records and found that the subject property is not situated within the APS service territory. Therefore, APS does consent to the abandonment.”

**Cox Communications – Zach Lawson:**

“Based upon the supplied drawings/exhibit that you’ve submitted it has been determined that COX will allow easement abandonment with the following stipulations;

Cox will agree to the abandonment if Cox facilities on the north side of the parcels to be abandoned in the easement are protected in place and a new PUE or ROW has been established for our facilities. If our facilities are to be relocated, then the requestor pays Cox for the relocation of Cox facilities prior to relocation of existing facilities.

Also, please note that Cox Communications accepts no liability for costs associated with any relocation of existing facilities required as of a result of this proposed abandonment.”

**Southwest Gas – Nancy Almanzan:**

“After review, SWG has determined that there are no existing or proposed facilities within the area proposed and have no objection to the request as presented.

Nothing in this is intended or shall be construed to affect, reduce, or diminish any other existing property rights or easement SWG may have at this site or within the area affected. SWG retains the right to use any other reservations, easements, licenses or other property rights in which it may have an interest or that otherwise may be located within the area proposed.”

**Centurylink – Mary Hutton:**

“Qwest Corporation d/b/a CENTURYLINK QC (“CenturyLink”) has reviewed the request for the subject Vacation-Abandonment 210046 of the areas at the above referenced location and has determined that it has no objections or reservations with respect to the areas proposed for vacation as shown and/or described on Exhibit “A”, said Exhibit “A” attached hereto and incorporated by this reference. CenturyLink has active facilities within the project limits, buried cable and ducts. The intent of the request appears to be requesting an easement vacate for the purposed of redeveloping the property.

Recommendations: CenturyLink facilities are located within the Right-of-Way of Fremont Road.

It is the intent and understanding of CenturyLink that this Vacation shall not reduce our rights to any other existing easement or rights we have on this site or in the area. In the event CenturyLink facilities need to be removed or relocated, all associated costs will be at the expense of the sponsoring agency/owner.”

**Streets Utility Coordination – Rozanna Brown: No Comments Received**


**Stipulations of Conditional Approval**

The request of abandonment ABND 210046 is conditionally approved, and the following stipulations will need to be met:

1. The existing 8’ PUE along the south side of Fremont Road shall be retained.
2. The property must be replatted so that all new lots have legal frontage on a street.
3. The abandonment and the plat must be approved concurrently.
4. All existing water meter(s) shall be relocated onto the public right of way or public utility easement in accordance with plans submitted to and approved by the Planning and Development Department. All work is to be done by City forces at no expense to the City of Phoenix.
5. Any other public utilities not located within public right of way or a public utility easement shall be relocated at no cost to the utility provider.

6. The abandonment must be completed within **two years** from the conditional approval decision dated **November 17, 2021**.

**This conditional approval has been reviewed and approved.**

Signature:  Date: 11/17/21

REPORT SUBMITTED BY: Matt Roth, Abandonment Coordinator

cc Omar Cervantes, PE/CXL Engineering LLC, Applicant/Representative  
Christopher DePerro, Team Leader Site Planning